

### REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of the application in view of the foregoing amendment and the following remarks.

Prior to the foregoing amendment, Claims 1-13 were pending in the application with Claim 14 having been previously withdrawn. Presently, the Applicants have amended Claims 1, 4, 5, 8 and 9 and have canceled Claims 6, 7, and 10-13. Accordingly, Claims 1-5 and 8-9 are currently pending in the application.

#### **I. Rejection of Claims 1-2, 6-7 and 9 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-5 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,841,624 to Xu et al. (Xu) in view of U.S. Patent No. 6,106,630 to Frankel (Frankel) and U.S. Patent No. 6,146,504 to Patadia et al. (Patadia). The combination does not teach or suggest each element of the pending claims, and therefore, it fails to establish a *prima facie* case of obviousness with respect to Claim 1 and its dependent claims. Moreover, this is no motivation to combine the references as the Examiner suggests.

The combination does not teach or suggest a pedestal cover that has first and second planar surfaces where the second is parallel with and below the first planar surface and a groove formed therein. Though Xu does show first and second planar surfaces of cover layer 100, there is no suggestion or teaching of extending the insulation layer 104 such that a trench could be formed in it. Further, since at least a portion of the insulation layer 104 is removed by the chemical etch, the

trench may be completely removed during the etch process. Frankel, only teaches one planar surface with a surface perpendicular to that single planar surface. Patadia teaches a single planar surface with a dam 132 located thereon and a trench located in the single planar surface.

Motivation to combine is also lacking. To arrive at the invention has set forth by the Examiner, one skilled in the art would have three choices. One, take the device of Patadia, remove the dam 132, which is critical to Patadia's device (Col. 8, lines 54-61), and reconfigure the single planar surface into two different, parallel surfaces, and place the groove in the second planar surface. Second, take the cover disclosed in Frankel and reconfigure it to have first and second planar and parallel surfaces, and place the trench or Patadia in the second lower planar surface. Third, take the cover of Xu and deposit the etch layer 104 to a thickness sufficient such that a trench might remain after the chemical etching and form a groove in layer 104. Xu and Frankel do not even recognize the need for a trench, so how would one be motivated those structures as suggested, and through Patadia recognizes the need for a trench, it is only in conjunction with the cooperation of the dam 132, which as Patadia teaches is located on the same planar surface in which the trench is formed. Given the teachings found in Xu, Frankel, and Patadia, there is simply no motivation to make any of the suggested combination without the benefit of impermissible hindsight.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1-2, 6-7 and 9 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

## **II. Rejection of Claims 4, 5, 10-11 and 13 under 35 U.S.C. §103**

The Examiner has rejected Claims 4, 5, 10-11 and 13 under 35 U.S.C. §103(a) as being unpatentable over Xu in view of Frankel. Claim 4 and 5 now either directly or indirectly depend on Claim 1. Since Claim 4 and 5 at least include the elements of Claim 1, the combination of Xu and Frankel fails for the same reasons as set forth above regarding Claim 1. In addition, however, Claim 4 requires that the trench have a width that is wider than a depth. This is not found in any of the references presently relied on.

Since Claims 10-13 have been cancelled, the rejection of these claims is moot.

## **III. Rejection of Claim 8 under 35 U.S.C. §103**

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Xu et al., Frankel and Patadia et al. and further in view of U.S. Patent No. 5,656,093 to Burkhardt et al. (Burkhardt). Burkhardt in no way cure the deficient teachings of Xu, Frankel, and Patadia. Burkhardt is relied on for the sole proposition that pedestal cover can be made of stainless steel. Without even addressing whether the Examiner's proposition is accurate, a teaching or suggestion that a pedestal cover can be made of stainless steel is entirely different from a teaching or suggestion of the pedestal cover having first and second parallel planar surfaces with the second being lower than the first and have a groove formed in an upper surface thereof.

## **IV. Rejection of Claim 12 under 35 U.S.C. §103**

This rejection is moot in view of the cancellation of Claim 12.

**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-5 and 8-9.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Charles W. Gaines".

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